

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ARELI VEGA REYNA et al.

Plaintiffs

v.

RUSSELL HOTT et al.

Defendants/Respondents.

Civ. No.: 1:17-cv-01192-LO-TCB

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure, the Court hereby certifies this matter as a class action. The classes are defined as follows:

- (1) All parents of U.S. citizen children residing in the Commonwealth of Virginia, who at any time on or after October 20, 2017 are or were detained by U.S. Immigration and Customs Enforcement within the Commonwealth of Virginia under the authority of 8 U.S.C. § 1226; and
- (2) All U.S. citizen children residing in the Commonwealth of Virginia who, at any time on or after October 20, 2017, have a parent detained within the Commonwealth of Virginia by U.S. Immigration and Customs Enforcement under the authority of 8 U.S.C. § 1226.

The Court hereby designates Plaintiff Macario Diaz Morales as Class Representative of Class No. 1. The Court hereby designates J.F.G., K.G. J.D.V., and J.D.V., by their next friend, Areli Vega Reyna, as Class Representatives of Class No. 2.

The Court hereby appoints the Legal Aid Justice Center as Class Counsel.

The Court hereby makes the following findings:

- a) Both classes are sufficiently numerous that joinder of all class members is impracticable;

- b) There are questions of fact and law common to all class members of each class;
- c) The class representatives' claims in each class are typical of each class' claims;
- d) The class representatives can fairly and adequately represent their class' interests;
- e) Defendants have acted or refused to act on grounds generally applicable to each class, thereby making appropriate final injunctive relief with respect to each class as a whole; and
- f) The questions of law or fact common to each class' members predominate over any questions affecting only individual members and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

The Classes' claims are defined as follows:

Whether the actions and patterns, practices, and policies of the Defendants regarding out-of-state transfer of ICE detainees who are parents of U.S. citizen children unlawfully violate the Constitution by interfering in the fundamental constitutional right to family unity without due process of law.

Accordingly, pursuant to Rule 23(a) and (b)(2), the Court hereby certifies two classes as defined above.

The Court further orders the parties to meet and confer within 30 calendar days of the filing of this Order to agree on the proposed notice to potential class members pursuant to F.R.C.P. Rule 23(d)(2) and to agree on a method for ascertaining the identity of class members in each class and providing the best notice practicable under the circumstances to those class members. The notices shall be submitted to the Court within 45 calendar days of the filing of this Order.

DATED:

U.S. DISTRICT JUDGE